

**Meeting of the Central Valley Flood Protection Board  
October 17, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18409 (Attachment A) to install (trench) PVC electrical conduits within and perpendicular to the landside slope of the left (east) bank levee of Miner Slough.

Applicant

John Brimmer

Location

The project is located west of Walnut Grove at 4868 Highway 84. (Sacramento River, Sacramento County, see Attachment B).

Description

To install (trench) two 5-inch-diameter PVC electrical conduits within and perpendicular to the landside slope of the left (east) bank levee of Miner Slough.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received and is not anticipated to be received prior to the October 17, 2008 Board meeting.
- Reclamation District No. 501 has endorsed this application.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303(d)) covering the extension of electrical utilities.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18409 BD**

**This Permit is issued to:**

John Brimmer  
4868 Highway 84  
Walnut Grove, California 95690

To install (trench) two 5-inch-diameter PVC electrical conduits within and perpendicular to the landside slope of the left (east) bank levee of Miner Slough. The project is located west of Walnut Grove at 4868 Highway 84 (Section 9, T5N, R3E, MDB&M, RD 501, Miner Slough, Solano County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18409 BD**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FOURTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project(s) and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 501 from any liability or claim(s) of liability associated therewith.

**FIFTEEN:** The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 501 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

**SIXTEEN:** No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

**SEVENTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**EIGHTEEN:** All debris generated by this project shall be disposed of off the levee section to include 10 feet landward of the levee toe.

**NINETEEN:** Only impervious material shall be used for bedding or backfill within the levee section.

TWENTY: Electrical lines over 24 volts installed through the levee section and within 10 feet of the levee toes shall be encased in Schedule 40 PVC conduit or equivalent.

TWENTY-ONE: The pipe shall be evenly placed in an open trench 2 feet wider than the combined diameter of the pipe or 2 times the combined diameter, whichever is greater.

TWENTY-TWO: The pipe shall be placed in an open cut with side slopes of 1 horizontal to 1 vertical or flatter.

TWENTY-THREE: The pipe shall be buried at least 12 inches below the landward levee slope.

TWENTY-FOUR: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-FIVE: The permittee shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

TWENTY-SIX: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

TWENTY-SEVEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-EIGHT: The project area shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated October XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.





